

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for continued examination of application 10/044,430 (01/11/02) filed on 10/07/09.

Claim Interpretation

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result, but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result, but does not result in a structural difference between the claimed invention and the prior art.

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In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as “*if, may, might, can could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “*wherein, whereby*”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6, 9-20, 23-33 and 36-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. .

Re Claims 1 and 17: Improper Method Claim

In order for a method to be considered a "process" under 101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *In re Bilski*, 88 USPQ2d 1385, 1391 and 1396 (2008).

Re Claims 1 and 17: The process steps recited in the body of the claim may be performed by a human operator alone and have not been tied to another statutory class (e.g., The moderating a bid/auction step is indefinite because it is an abstract process subject to human judgment.)

NOTE: Applicant should clarify which steps are done "by a computer", "by a processor" etc.. Please note incorporation of another statutory class in just the preamble, or in non-critical steps (e.g., just receiving data) may be insufficient to overcome this rejection.

NOTE: even if one or more step is amended to be performed by a computer, it will be a question how such process may be computed by the computer. For example, packaging or moderating etc.

Re Claim 30: Software Per Se

Software per se is not one of the enumerated categories of patent eligible subject matter. NOTE: Applicant may wish to amend the preamble of the claims to recite "Computer-readable medium having instructions" and clarify that the instructions are executable. Similarly dependent claims should be directed to the Computer-readable medium.

Dependent claims are rejected based on the same rationale as the claims from which they depend.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6, 9-20, 23-33 and 36-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, essential steps and/or essential structural cooperative relationships of elements such omission amounting to a gap

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between the elements, the steps See MPEP § 2172.01. The omitted elements, steps and/or structural cooperative relationships are:

For example, the step of soliciting feedback .., , the claim is very unclear as what is achieved by this. How the step pertains to the other steps or acts performed is uncertain.

For example, what is the connection between the packaging (which is done by a seller(s)) and selecting a seller? what is displayed in "the bid/auction"? etc,

Claims 1, 17 and 30: The claims refer to "bid/auction presentation", "bid/auction" and "auction presentation". The use of inconsistent terminology has created an antecedent basis problem.

Dependent claims are further rejected based on the same rationale as the claims from which they depend.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6-20,23-33,36-42,44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li, US Pub. No. 2003/0004850 in view of Porat, US Pat. No. 7,330,826 and Scott, US Pub. No. 2004/0073507.

Re Claim 1: Li discloses a method of management for procurement bidding comprising the steps of:

receiving a request for quote including requirement information from a buyer for a predetermined transaction (Li, Fig. 2; [0004][0057]” buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.”);

packaging the requirement information into a bid/auction presentation for the predetermined transaction, wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction (Li, Fig. 2; [0057] “The data in the RFQ thus defines a set of buyer constraints.... These buyer constraints include those that must be made known to the suppliers in order for the suppliers to formulate a bid”);

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selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction (Li, [0059] “The auction management software¹⁸ executing at the server 12 opens the auction by publishing the details of the RFQ to *selected suppliers* at the time specified by the buyer (step 32).);

displaying the bid/auction presentation for inspection to the plurality of sellers (Li, [0059] “The auction management software¹⁸ executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).); and

moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids (Li, [0058][0059] “*During the course of an auction interval specified by the buyer*, one or more suppliers respond to the RFQ by submitting bids”[0061][0121]);

Li fails to explicitly disclose a method of management for procurement bidding comprising the steps of:

soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation~ wherein the comments obtained are made available to all of the respective plurality of sellers~ and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments; and

presenting bid results to the buyer for selection of winning bid from among the sellers.

Porat discloses

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soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation~ wherein the comments obtained are made available to all of the respective plurality of sellers~ and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments (Porat, abstract, col. 1, lines 7-22; col. 18, line 42+ - col. 20, line 60; col. 31, lines 32-47).

Scott discloses:

presenting bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Li by adopting the teachings of Porat and Scott to provide a method of management for procurement bidding further comprising the steps of: soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation~ wherein the comments obtained are made available to all of the respective plurality of sellers~ and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments; and presenting bid results to the buyer for selection of winning bid from among the sellers.

One would have been motivated to aid in the buyer's decision making by presenting all the results because a user-friendly presentation improves customer goodwill and makes for a more efficient and streamlined processing.

The claimed invention applies prior art elements according to known methods to yield predictable results; applies a known technique to a known device (method, or product) ready for improvement to yield predictable results; and known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Re Claim 17: Li discloses a web-based method of management for procurement bidding comprising the steps of (Li, Figs. 6, 8-17,19-28 e.g., web-pages, "Microsoft Internet Explorer"):

receiving requirement information from a buyer for a predetermined transaction (Li, Fig. 2; [0004][0057]" buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.");

packaging the requirement information into a bid/auction presentation for the predetermined transaction, wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical

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renderings with respect to the predetermined transaction (Li, Fig. 2; [0057] “The data in the RFQ thus defines a set of buyer constraints.... These buyer constraints include those that must be made known to the suppliers in order for the suppliers to formulate a bid”);

electronically displaying the requirement information on a web page as a bid/auction presentation for inspection by a plurality of sellers (Li, [0059] “The auction management software¹⁸ executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).);

utilizing an electronic interface to moderate a bid/auction based on the bid/auction presentation for a predetermined interval (Li, [0058][0059] “*During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids*”[0061][0121]); and

electronically enabling the plurality of sellers to input a plurality of competitive bids on the bid/auction presentation into a web page (Li, [0058][0059] “*During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids*”[0061][0121].

Li fails to explicitly disclose:

soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation~ wherein the comments obtained are made available to all of the respective plurality of sellers~ and wherein the step of

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soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments; and

electronically presenting bid results to the buyer for selection of winning bid from among the sellers.

Porat discloses:

soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation~ wherein the comments obtained are made available to all of the respective plurality of sellers~ and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments (Porat, abstract, col. 1, lines 7-22; col. 18, line 42+ - col. 20, line 60; col. 31, lines 32-47).

Scott discloses:

electronically presenting bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Li by adopting the teachings of Porat and Scott to provide a web-based method of management for procurement bidding further comprising the steps of: soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives

to the requirement information specified in the auction presentation~ wherein the comments obtained are made available to all of the respective plurality of sellers~ and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments; and electronically presenting bid results to the buyer for selection of winning bid from among the sellers.

One would have been motivated to aid in the buyer's decision making by presenting all the results because a user-friendly presentation improves customer goodwill and makes for a more efficient and streamlined processing.

The claimed invention applies prior art elements according to known methods to yield predictable results; applies a known technique to a known device (method, or product) ready for improvement to yield predictable results; and known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Re Claim 30: Li discloses software for management of a network-based procurement process, the software embodied in a computer-readable medium and operable when executed on a computer to:
receive requirement information from a buyer for a predetermined transaction (Li, Fig. 2; [0004][0057]" buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever

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other transaction terms would be required by the buyer in a prospective transaction with the supplier.”);

package the requirement information into a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction (Li, Fig. 2; [0057] “The data in the RFQ thus defines a set of buyer constraints.... These buyer constraints include those that must be made known to the suppliers in order for the suppliers to formulate a bid”);

display requirement information from a buyer as bid/auction presentation for inspection by a plurality of sellers (Li, [0059] “The auction management software¹⁸ executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).);

moderate a bid/auction based on the bid/auction presentation for a predetermined auction interval (Li, [0058][0059]“*During the course of an auction interval specified by the buyer*, one or more suppliers respond to the RFQ by submitting bids”[0061][0121]); and

enable the plurality of sellers to submit a plurality of competitive bids on the auction presentation (Li, [0058][0059]“*During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids*”[0061][0121]).

Li fails to explicitly disclose:

solicit feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information

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specified in the auction presentation, wherein the comments obtained are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments; and

present bid results to the buyer for selection of winning bid from among the sellers.

Porat discloses:

solicit feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation, wherein the comments obtained are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments (Porat, abstract, col. 1, lines 7-22; col. 18, line 42+ - col. 20, line 60; col. 31, lines 32-47).

Scott discloses:

present bid results to the buyer for selection of winning bid from among the sellers (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled.").

NOTE: Intended Use or Result Language in the claim (e.g., "so as to enable", "to enable") is indicative of a intended/use result recitation further raising a question of the limiting effect of the language in the claim. Thus, the phrase following this recitation in the claim is interpreted as not further limiting of the claimed invention.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings Li by adopting the teachings of Porat and Scott to provide software for management of a network-based procurement process, the software embodied in a computer-readable medium and further operable when executed on a computer to: solicit feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation, wherein the comments obtained are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments; and present bid results to the buyer for selection of winning bid from among the sellers.

One would have been motivated to aid in the buyer's decision making by presenting all the results because a user-friendly presentation improves customer goodwill and makes for a more efficient and streamlined processing.

The claimed invention applies prior art elements according to known methods to yield predictable results; applies a known technique to a known device (method, or product) ready for improvement to yield predictable results; and known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

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Re Claims 2: Li in view of Porat and Scott discloses the claimed invention supra and Li further discloses wherein the predetermined transaction comprises at least one of goods and services to be provided from at least one of the sellers to the buyer (Li, [0011]”Requisitions can include a purchase of one or more items, the performance of one or more services” [0013[0097])).

Re Claim 3: Li in view of Porat and Scott discloses the claimed invention supra and Li further discloses wherein the goods and services are selected from a group including at least one of: products to be manufactured, non-resale retail items, shipping services, storage/warehousing services, general construction services, security services, fixtures, displays, design, installation, merchandising services, graphics products and services, supplies, building materials (Li, [0011]”Requisitions can include a purchase of one or more items, the performance of one or more services” [0013[0097])).

Re Claim 4: Li in view of Porat and Scott discloses the claimed invention supra and Li further discloses wherein the step of receiving required information comprises receiving information on at least one of specifications, technical parameters, and deadlines with respect to the predetermined transaction (Li, Fig. 2; [0004][0057]” buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.”).

Re Claim 6: Li in view of Porat and Scott discloses the claimed invention supra and Li further discloses selecting a plurality of sellers (Li, [0059] “The auction management software¹⁸ executing at the server 12 opens the auction by publishing the details of the

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RFQ to *selected suppliers* at the time specified by the buyer (step 32).). Li fails to explicitly disclose method wherein the step of selecting a plurality of sellers comprises selecting sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise. Scott discloses wherein the step of selecting a plurality of sellers comprises selecting sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise (Scott, abstract, [0041]"the buyers and one or more pole personnel identify suppliers for participating in the auction. The most obvious sellers are those that have already been 'qualified' to supply the items being auctioned." [0043][0056][0078][0092]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Li, Porat and Scott to provide wherein the step of selecting a plurality of sellers comprises selecting sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise. As suggested by Scott, one would be motivated to have a supplier capable of supplying the items needed by the organization.

Re Claim 9: Li in view of Porat and Scott discloses the claimed invention supra and Li further discloses wherein, prior to the step of moderating an auction, a step is provided for soliciting a closed bid from each of the plurality of sellers, wherein the solicited closed bids establish an opening auction bidding level prior to the predetermined auction interval (Li, [0102][0112][0113]).

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Re Claim 10: Li in view of Porat and Scott discloses the claimed invention supra but fails to explicitly disclose wherein, prior to the step of moderating an auction, a step is provided for establishing a predetermined bid decrement to be used by the plurality of sellers in submitting competitive bids. Official Notice Official Notice is taken that it is old and well-known to change an auction formats depending on the types of products or services, the number of participants, and the objectives of the auction (e.g., auctions for procurement, online auctions etc.) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Li, Porat and Scott to provide wherein, prior to the step of moderating an auction, a step is provided for establishing a predetermined bid decrement to be used by the plurality of sellers in submitting competitive bids. One would have been motivated by profits, the desire to obtain the products services and the most desirable price or to have a pool of bidders with a positive track record of performance.

Re Claim 11: Li in view of Porat and Scott discloses the claimed invention supra and Scott further discloses wherein the step of presenting bid results comprises presenting at least one report selected from at least one of: bid/auction history, seller input, and seller comment history (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] "In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled.").

Re Claim 12: Li in view of Porat and Scott discloses the claimed invention supra and Li further discloses wherein the steps of displaying the bid/auction presentation for

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inspection to the plurality of sellers (Li, [0059] “The auction management software¹⁸ executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).”) and moderating a bid/auction for a predetermined auction interval are performed electronically over a network (Li, [0058][0059] “During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids”[0061][0121]).

Re Claim 13: Li in view of Porat and Scott discloses the claimed invention supra and Li further discloses wherein the steps of displaying the bid/auction for inspection to a plurality of sellers (Li, [0059] “The auction management software¹⁸ executing at the server 12 opens the auction by *publishing the details of the RFQ* to selected suppliers at the time specified by the buyer (step 32).”) and moderating a bid/auction for a predetermined auction interval are performed electronically over an Internet connection (Li, [0058][0059] “During the course of an auction interval specified by the buyer, one or more suppliers respond to the RFQ by submitting bids”[0061][0121]).

Re Claim 14: Li in view of Porat and Scott discloses the claimed invention supra and Li further discloses wherein the step of receiving a request for quote including requirement information from a buyer (Li, Fig. 2; [0004][0057] “buyer providing an RFQ to the server 12(step 30). The RFQ includes a detailed specification of what the buyer intends to purchase, together with whatever other transaction terms would be required by the buyer in a prospective transaction with the supplier.”). Scott further discloses wherein the step of presenting bid results to the buyer are performed electronically over a network wherein the step of presenting bid results to the buyer are performed

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electronically over a network (Scott, abstract, Fig. 2B, [0049][0052][0095] refs. winning supplier/winning bidder; Fig. 2B, [0059] “In block 244, results of the auction are tabulated, and the GCL, buyer, or both determine from which supplier orders are to be filled.”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Li, Porat and Scott to provide wherein the step of receiving a request for quote including requirement information from a buyer and the step of presenting bid results to the buyer are performed electronically over a network. One would have been motivated to aid in the buyer’s decision making by presenting all the results.

Re Claim 16: Li in view of Porat and Scott discloses the claimed invention supra and Scott further discloses wherein the step of selecting a plurality of sellers comprises selecting sellers from an electronically retrievable database of sellers (Scott, abstract, [0041]”the buyers and one or more pole personnel identify suppliers for participating in the auction. The most obvious sellers are those that have already been ‘qualified’ to supply the items being auctioned.”[0043][0056][0078][0092]).

Re Claims 18 and 31: Claims 18 and 31 contain features or limitations recited in Claim 2, therefore they are rejected under the same rationale.

Re Claims 19 and 32: Claims 19 and 32 contain features or limitations recited in Claim 3, therefore they are rejected under the same rationale.

Re Claims 20 and 33: Claims 20 and 33 contain features or limitations recited in Claim 4, therefore they are rejected under the same rationale.

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Re Claims 23,24, 36 and 37: Claims 23,24, 36 and 37 contain features or limitations recited in Claim 6, therefore they are rejected under the same rationale.

Re Claim 25 and 38: Claims 25 and 38 contain features or limitations recited in Claim 7, therefore they are rejected under the same rationale.

Re Claims 26 and 39: Claims 26 and 39 contain features or limitations recited in Claim 8, therefore they are rejected under the same rationale.

Re Claims 27 and 40: Claims 27 and 40 contain features or limitations recited in Claim 9, therefore they are rejected under the same rationale.

Re Claim 28 and 41: Claims 28 and 41 contain features or limitations recited in Claim 10, therefore they are rejected under the same rationale.

Re Claim 29 and 42: Claims 29 and 42 contain features or limitations recited in Claim 11, therefore they are rejected under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Porat, US Pat. No. 7,584,124; and

Carlton-Foss, US Pat. No. 6,647,373.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC
/JAGDISH N PATEL/
Primary Examiner, Art Unit 3693